GA No. 72 of 2001
(Old No. 130 of 1997)
Hon'ble B.C. Kandpal, J.

Heard learned A.G.A. on the delay condonation application and perused the affidavit filed in support thereto.

I find sufficient ground to allow the delay condonation application.

Accordingly, the delay in filing the government appeal is hereby condoned.

This special leave to appeal has been filed by the State Government against the judgment and order dated 14.08.1997 passed by Additional Session Judge, Dehradun thereby acquitted the present respondents No. 1 and 2 while convicted Pappu under Section 325 I.P.C. for one year rigorous imprisonment.

Brief facts of the case are that on 16.12.1994, Smt. Geeta Wife of Sri Raj Kumar lodged the complaint against the accused – Prem Kumar, Sonu and Papu stating. After completion of investigation, the accused were chargesheeted and put up for trial. After considering the entire material available on record and perusing the evidence, the trial court acquitted the respondents and Papu was found guilty under Section 325 I.P.C. vide judgment and order dated 14.08.1997.

Feeling aggrieved by the said judgment and order, the State Government/appellant preferred this appeal before the Allahabad High Court which has been transferred to this Court after creation of separate State, for disposal.

Having learned A.G.A. on the point of admission and perused the record.

Having considered the arguments advanced by learned counsel for the State/appellant and perusing the entire material available before me, I do not find any illegality, infirmity or incorrectness in the impugned judgment and order passed by the court below. I am in total agreement with the view taken by the court below. The impugned judgment and order does not require any interference. The special leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the special leave to appeal is dismissed.

Consequently, the government appeal is also dismissed.

(B.C.K., J.)

19.11.2007
ASWAL